UNITED STATES PATENT AND TRADEMARK OFFICE

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09/827,333	04/06/2001	Syed K. Quraishi	62225-160	2977

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MCDERMOTT, WILL & EMERY
600 13th Street, N.W.
Washington, DC 20005-3096

EXAMINER
CHENCINSKI, SIEGFRIED E

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *27 July 2010*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *6-13 and 29-40* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *6-13 and 29-40* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5)☐ Notice of Informal Patent Application (PTO-152)
6)☐ Other: _____ .

DETAILED ACTION

Status of Application

1.   **a)** Claims 6-13 and 29-40 are pending.

b) Claims 6 and 31 are amended.

c) The rejections under 35 USC 101 and 112-1st and 2nd paragraphs are withdrawn based on Applicant's amendments to independent claims 6 and 31.

Applicant Admitted Prior Art

2.   Applicant has admitted that the items for which the examiner took Official Notice in rejecting dependent claims 7 -13 in the last Office Action were prior art at the time of Applicant's invention. Accordingly these items are now Applicant Admitted Prior Art (hereafter AAPA). MPEP 2104 C 2nd parag. - AAPA - Applic. Admission due to an improper Traversal in the response to the Official Notice on January 8, 2008:

a) If applicant does not traverse the examiner's assertion of official notice or applicant's traverse is not adequate, the examiner should clearly indicate in the next Office action that the common knowledge or well-known in the art statement is taken to be admitted prior art because applicant either failed to traverse the examiner's assertion of official notice or that the traverse was inadequate. If the traverse was inadequate, the examiner should include an explanation as to why it was inadequate.

b) Traversal must be proper by meeting the normal standard of a proper traversal, which, in summary form, requires a traversal to be made up of a combination of evidence the rationale which puts the examiner's Official Notice into serious question (MPEP 2141, IV).

c) Applicant failed to properly traverse even one of the Noticed dependent claims in the traversal o January 8, 2008. Subsequent traversals are moot since a proper traversal must be made in the immediate response following the Official Notice..

These AAPA features are:

Re. Claim 7, in which the assigned scope of application level specifies a specific account.

Re. Claim 8, in which the assigned scope of application specifies a specific registered representative.

Re. Claim 9, in which the assigned scope of application is level specifies a specific office.

Re. Claim 10, in which the assigned scope of application level specifies a specific firm.

Re. Claim 11, in which the assigned scope of application is set to the global level.

Re. Claim 12, in which a rule is accompanied by a message to be sent when a rule is violated.

Re. Claim 13, in which the text of said message can be changed by a user for a selected level.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3.   **Claims 6 and 31 are rejected** under 35 U.S.C. 103(a) as being unpatentable over Stein et al. (US Patent 5,978,779, hereafter Stein) in view of AAPA.

Re. Claims 6-13 and 31-38 Stein discloses a system and program storage medium for processing a transaction containing an order for execution.

Stein further discloses a system and program storage medium, with the system of claim 6 as exemplary, comprising the steps of:

a) an interface configured to receive a plurality of transactions, each transaction containing a request either (1) for an order to be sent to a market for execution or (2) for execution of an asset transfer from an account (Interface - Implicit in Fig. 4, Col. 2, ll. 49-50. transaction requests – Col. 2, ll. 43-63); and

b) a non-transitory storage medium having rules stored thereon the rules being configured to determine whether or not to allow execution of a requested order or asset transfer, the rules having parameters configured to analyze the requested order or asset transfer and a plurality of preset levels of scope of application (storage medium – Col. 2, l. 38), wherein:

each rule has an assigned level of scope of application selected from the plurality of preset levels (Col. 2, ll. 22-29, 39-40, 43-63; col. 3, ll. 34-60; col. 5, l. 60 – the ordinary practitioner would have seen it as obvious that the predefined protocols, constraints (col. 2) and rules (col. 3-l. 36) an predefined criteria (col. 5, l. 60) are the equivalent of rules and encompass scope selected from preset levels),

each preset level of scope of application specifies a scope of source of transactions for which a corresponding rule should apply to all transactions from any source within the specified scope (Col. 2, ll. 22-29, 39-40, 43-63; col. 3, ll. 34-60), and

the assigned level corresponding to each rule is adjustable from a first one of the plurality of preset levels to a second one of the plurality of preset levels based on a user setting (adjustable – Col. 5, ll. 24-27); and

c) an order/transaction processing section having access to the storage medium, the order/transaction processing section configured to apply at least one of the rules to each respective received transaction based on source and level of the respective received transaction being within the specified scope of each applied rule, to determine whether or not to allow execution of the requested order or asset transfer contained in the respective received transaction (Col. 3, ll. 50-52, 58; Col. 4, l. 16), wherein:

upon determining to automatically approve execution of the requested order or asset transfer contained in a first received transaction, based on application of at least one of the rules to the request for the order or asset transfer in the first received transaction, the order/transaction processing section forwards the order or the asset transfer in the

request contained in the first received transaction to an execution process for fulfillment (Col. 5, l. 5 – authorization to transact; Col. 5, ll. 3-23 – decision and compliance rules govern every step leading to and during a transaction); and

upon the application of at least one of the rules to a second received transaction indicating a manual user approval is required for execution of the order or asset transfer, in the request contained in a second received transaction, the order/transaction processing section forwards the request for the order or asset transfer contained in the second received transaction to a user for possible manual approval for execution for fulfillment (Col. 5, ll. 25-27 – the user, typically an account/client manager of the Financial Service Provider, may have to manually enter information since an automated process is not possible. The example is when a new entity is necessary to be entered. The ordinary practitioner would have seen it as obvious that manual user approval may be necessary and that rules I nan automated system would be necessary to obtain user approval since otherwise the process would be at an impasse. The many examples of rules in Col. 5, ll. 3-23, Col. 5, l. 58 – Col. 6, l. 15 also would have suggested numerous reasons for a rules loop sending a transaction for manual user approval.).

The AAPA of claims 7-13 also would have further suggested to the ordinary practitioner that the assigned scope of application level specifies a specific account, the assigned scope of application specifies a specific registered representative, the assigned scope of application is level specifies a specific office, the assigned scope of application level specifies a specific firm, the assigned scope of application is set to the global level, that a rule is accompanied by a message to be sent when a rule is violated and that the text of said message can be changed by a user for a selected level.

The difference in independent claim 31 compared to independent claim 6 is that "each rule has an assigned outcome selected from a plurality of preset outcomes" (Col. 2, ll. 39-40; Col. 3, ll. 36, 39, 55-60; Col. 4, ll. 46-65. Given the extensive use of preset rules in Stein as documented above, the ordinary practitioner of the art would have found it obvious to have also established preset outcomes in the rules.

Therefore, it would have been obvious to an ordinary practitioner of the art at the time of Applicant's invention to have used the disclosure of Stein combined with AAPA and the practitioner's own knowledge to produce Applicant's invention of a system and program storage medium for processing a transaction containing an order for execution, motivated by a desire to create a unified infrastructure for control and data transfer to a plurality of function and task specific applications (Stein, Col. 2, ll. 18-21). **Re. Claims 7-13**, Stein does not explicitly disclose:

> **Re. Claim 7**, in which the assigned level of scope of application of an applied rule specifies a specific account.
>
> **Re. Claim 8**, in which the assigned level of scope of application of an applied rule specifies a specific registered representative.
>
> **Re. Claim 9**, in which the assigned level of scope of application of an applied rule specifies a specific office.
>
> **Re. Claim 10**, in which the assigned level of scope of application of an applied rule specifies a specific firm.
>
> **Re. Claim 11**, in which the assigned level of scope of application of an applied rule is set to the global level.
>
> **Re. Claim 12**, in which an applied rule is accompanied by a message to be sent when a rule is violated.
>
> **Re. Claim 13**, in which the text of said message can be changed by a user for a selected level.

However, AAPA discloses claims 7-13. Therefore, it would have been obvious to an ordinary practitioner of the art at the time of Applicant's invention to have used the disclosure of Stein and AAPA combined with his own knowledge to produce Applicant's invention of a method, system, device, apparatus and program storage device for processing a transaction containing an order for execution, motivated by a desire to create a unified infrastructure for control and data transfer to a plurality of function and task specific applications (Stein, Col. 2, ll. 18-21). **Re. Claims 32-36**, Stein does not explicitly disclose:

Re. Claim 32, in which the assigned level of scope of application of an applied rule specifies a specific account.

Re. Claim 33, in which the assigned level of scope of application of an applied rule specifies a specific registered representative.

Re. Claim 34, in which the assigned level of scope of application of an applied rule specifies a specific office.

Re. Claim 35, in which the assigned level of scope of application of an applied rule specifies a specific firm.

Re. Claim 36, in which the assigned level of scope of application of an applied rule is set to the global level.

However, AAPA discloses claims 32-36. Therefore, it would have been obvious to an ordinary practitioner of the art at the time of Applicant's invention to have used the disclosure of Stein and AAPA combined with his own knowledge to produce Applicant's invention of a method, system, device, apparatus and program storage device for processing a transaction containing an order for execution, motivated by a desire to create a unified infrastructure for control and data transfer to a plurality of function and task specific applications (Stein, Col. 2, ll. 18-21).

Re. Claim 37, neither Stein nor AAPA explicitly disclose an applied rule accompanied by a message to be sent when an applied rule is violated. However, it would have made common sense to the ordinary practitioner based on well established practices to send a message to one or more affected parties that a rule has been violated and informing the parties of the rule which has been violated. Therefore, it would have been obvious to an ordinary practitioner of the art at the time of Applicant's invention to have used the disclosure of Stein and AAPA combined with his own knowledge to produce Applicant's invention of a method, system, device, apparatus and program storage device for processing a transaction containing an order for execution, motivated by a desire to create a unified infrastructure for control and data transfer to a plurality of function and task specific applications (Stein, Col. 2, ll. 18-21).

Re. Claim 38, in which the text of said message can be changed by a user for a selected level (Col. 6, ll. 2-5; the user makes changes to information as a revision. This

suggests to the ordinary practitioner that user changes can be made to various messages documents in the system).

4.   Claims 29 & 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stein as applied to claim 6 above, and further in view of Lutnick et al. (US Patent 6,850,907 B2, hereafter Lutnick).

Re. Claims 29 & 39, Stein discloses wherein upon the application of at least one of the rules to a third transaction: the order/transaction processing section forwards the requested order or asset transfer contained in the third received transaction to an execution process for fulfillment (See the rejection of claim 6 above).

Stein does not explicitly disclose the sending of a warning message regarding a requested transaction. However, Lutnick discloses sending a warning message regarding a requested transaction (Col. 5, l. 2).

Therefore, it would have been obvious to an ordinary practitioner of the art at the time of Applicant's invention to have used the disclosure of Stein and Lutnick combined with his own knowledge to produce Applicant's invention of a method, system, device, apparatus and program storage device for processing a transaction containing an order for execution, motivated by a desire to create a unified infrastructure for control and data transfer to a plurality of function and task specific applications (Stein, Col. 2, ll. 18-21).

Re. Claim 30 & 40, the disclosures of Stein are cited above. Stein does not explicitly disclose stopping execution of a transaction request. However, Lutnick discloses rules automatically stopping the execution transaction requests by participants (Col. 32, l. 55).

Therefore, it would have been obvious to an ordinary practitioner of the art at the time of Applicant's invention to have used the disclosure of Stein and Lutnick combined with his own knowledge to produce Applicant's invention of a method, system, device, apparatus and program storage device for processing a transaction containing an order for execution, motivated by a desire to create a unified infrastructure for control and data transfer to a plurality of function and task specific applications (Stein, Col. 2, ll. 18-21).

Response to Arguments

5.   Applicant's arguments filed July 27, 2010 with respect to claims 6-13 and 29-40 have been considered but they are not persuasive.

ARGUMENT A: Traversal of AAPA (P. 9, L. 5 – P. 10, L. 23).

RESPONSE:

Applicant is referred to the expanded explanation under AAPA above.

ARGUMENT B: Traversal of he rejections under 35 USC 101 (p. 11, ll. 1-18).

RESPONSE:

These rejections have been withdrawn.

ARGUMENT C: Traversal of the rejection under 35 USC 112-1st Paragraph (p. 11, l. 20 – p. 12, l. 18).

RESPONSE:

These rejections have been withdrawn.

ARGUMENT D: Traversal of the rejection under 35 USC 112-2nd Paragraph (p. 12, ll. 19-22).

RESPONSE:

These rejections have been withdrawn.

ARGUMENT E: Traversal of the rejections of claims 6-13 and 31-40 under 35 USC 103(a) (p. 13, l. 1 – p. 17, l. 12).

RESPONSE:

Applicant is directed to the expanded evidence and rationale presented in the rejections above which fully address Applicant's arguments.

Conclusion

6.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

AZIZ ET AL.   US Patent 6,018,721

SEUBERT ET AL.   US Pg Pub. 2008/0120129

SANDHU ET AL.   US Pg Pub. 2003/0033212

7.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Siegfried Chencinski whose telephone number is (571)272-6792. The Examiner can normally be reached Monday through Friday, 9am to 6pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Charles Kyle, can be reached on (571) 272-6746.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).
Any response to this action should be mailed to:

Commissioner of Patents and Trademarks, Washington D.C. 20231

or (571*)273-8300*   [Official communications; including After Final
communications labeled "Box AF"]

(571) 273-6792   [Informal/Draft communications, labeled "PROPOSED" or
"DRAFT"]

Hand delivered responses should be brought to the address found on the above
USPTO web site in Alexandria, VA.

SEC

Art Unit 3695
October 9, 2010

/Charles R. Kyle/
Supervisory Patent Examiner, Art Unit 3695